



11-26-01

CPA/1614 \$  
TECH CENTER 1600/2000Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR1.53(d))

CHECK BOX, if applicable  
 DUPLICATE

NOV 27 2001

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Address to:	Attorney Docket No. of Prior Application	391930
Assistant Commissioner for Patents Box CPA Washington, DC 20231	First Named Inventor	Jordan, Russell T. et al.
	Examiner Name	Goldberg, J.
	Group / Art Unit	1614
	Express Mail Label No.	EL820326935US

This is a request for a  continuation or  divisional application under 37 CFR1.53(d),(continued prosecution application (CPA)) of prior application number 09/021,421filed on February 10, 1998, entitled CHELATED 8-HYDROXYQUINOLINE AND USE THEREOF IN A METHOD OF TREATING EPITHELIAL LESIONS

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application
2.  A preliminary amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_  
b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5.  Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

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370.00 OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (i))	18-20* =		x \$____ =	\$
	INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))	1		x \$____ =	
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$____ =	
				BASIC FEE (37 CFR 1.16)	740
			Total of above Calculations =		740
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				370
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	370

6.  Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 12-0600:

- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

8.  A check in the amount of \$ 830 is enclosed.

9.  Payment by credit card. Form PTO-2038 is attached.

10.  Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).

11.  New Attorney Docket Number, if desired  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*

12. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b.  Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13.  Other: Petition for 3 month Extension of Time Under 37 CFR 1.136(a); 1 page; Declaration of Russell T. Jordan with exhibits; 18 pages

**NOTE:** *The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.*

**12. NEW CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label	<input type="text"/> (Insert Customer No. or Attach bar code label here)		<input type="checkbox"/> or <input checked="" type="checkbox"/> New correspondence address below
Name	Dan Cleveland Lathrop & Gage L.C.		
Address	4845 Pearl East Circle Suite 300		
City	Boulder	State	CO
Country	US	Telephone	(303) 449-5800
			Fax

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Dan Cleveland
Signature	
Registration No. (Attorney/Agent)	36,106
Date	November 5, 2001



*#226*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Jordan et al. )  
Application No.: 09/021,421 ) Group No.: 1614  
Filed: February 10, 1998 ) Examiner: Goldberg, J.  
For: CHELATED 8-HYDROXYQUINOLINE )  
AND USE THEREOF IN A METHOD OF )  
TREATING EPITHELIAL LESIONS )

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail bearing label number EL 820326935 with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents and Trademarks, Washington, DC 20231, on

*November 5, 2001*

*Heather Bailey*

ASSISTANT COMMISSIONER FOR  
PATENTS  
WASHINGTON, D.C. 20231

Sir:

**PRELIMINARY AMENDMENT**

Applicants, by their attorney, are responding to the Office Action dated May 3, 2001, and request the Examiner to reconsider the amended claims in view of the following remarks.

A petition for three month extension of time, as well as a CPA are filed herewith. While today is Monday, November 5, 2001, this filing is timely submitted because six months from the due date of November 3, 2001, fell on Saturday, November 3, 2001, and Applicants are permitted until the next

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